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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,270	12/28/2001	Masayuki Ueda	217833US2	4113
22850	7590	12/23/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			WU, RUTAO	
			ART UNIT	PAPER NUMBER
			3639	
DATE MAILED: 12/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,270	UEDA ET AL.	
	Examiner	Art Unit	
	Rutao Wu	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/07/02 08/12/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed October 28, 2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the applicant failed to provide an English translation of the reference. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13-16, 19, 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant should be clear whom the "working bodies" are referring to. In claims other than the ones noted above, the examiner understands the "working bodies" as users that are requesting the cost estimation system to estimate the cost of

producing components to the users specifications. In the claims noted above, the "working bodies" are referring to providers of the components that are being produced. The examiner respectively suggest changing the terms to make the claims more definite.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23-25 are rejected under 35 U.S.C. 101 because

As per claims 23-25, the preamble recites "a computer program embodied on a carrier wave", however, does not recite that the computer program is encoded or recorded on a physical medium readable by a computer. Thus, the claim is directed to functionally descriptive material that is not functionally or structurally interrelated to the medium. Data structures not claimed as embodied in computer readable media (defined as "a collective word for the physical material, such as paper, disk, and tape, used for storing computer-based information", Microsoft Press, Computer Dictionary, Second Edition, © 1994) are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. Such claimed data structures do no define any structural and functional interrelationships between the data structure. See MPEP 2106(IV)(B)(1)(a).

Also, the claims does not recite that the computer program product comprises a computer readable medium having computer readable program instructions or code embodied thereon and configured to control a computer to perform specific functional steps. The lack of recitation of any specific computer or computer implemented device results in a claim that recites functionally descriptive material (defined as "data structures and computer programs with impart functionality when encoded on a computer readable medium" by the Computer-Implemented Invention Guidelines) without any interrelationships between the data structure and other aspects of the invention that would permit the data structure's functionality to be realized.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7-10, 17, 18, 20, 21, 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat No. 5,249,120 to Foley.

Referring to claims 1 and 23:

A component cost estimation system for estimating a cost of a component, said system comprising: a memory which stores cost information for associating a material of a component, a cost of the material, manufacturing steps of the component, and costs involved in the manufacturing steps of the component, and costs involved in the manufacturing steps with one another; and a computer, wherein said computer:

Receives data for designating a material of a component to be manufactured, and manufacturing steps to be applied to the material; (col 6: lines 26-30)

Art Unit: 3639

Retrieves a cost associated with the designated material, and costs associated with the designated manufacturing steps from the cost information; and (col 6: lines 26-30, 64-66)

Generates data representing a result of estimation of a cost of the designated component based on each of the retrieved costs. (col 6: lines 61-63)

Referring to claim 2:

The component cost estimation system according to claim 1, wherein:

The cost information includes information associating the manufacturing steps, devices used in the manufacturing steps, and costs involved in using the devices with one another, (col 6: lines 59-63)

Said computer:

Receives data for designating the material, the manufacturing steps, and the devices used in the manufacturing steps; (col 6: lines 26-30)

Retrieves costs associated with the designated material and the designated devices from the cost information; and (col 6: lines 26-30, 64-66)

Determines a result of estimation based on a sum of the retrieved costs. (col 6: lines 56-59; col 17: lines 29-35)

Referring to claim 3:

The component cost estimation system according to claim 1, wherein the cost information includes information associating the manufacturing steps and costs of child components which are the components to be used in the manufacturing steps with each other. (col 6: lines 56-63; col 17: lines 29-35)

Referring to claim 4:

The component cost estimation system according to claim 1, wherein:

The manufacturing steps include a pressing process; (col 18 lines 24-26)

The cost information includes information associating a pressing device to be used in the pressing process and a cost involved in using the pressing device with each other; and (Fig 15; col 17: lines 56-62;)

Said computer;

Receives data for designating the pressing process, a material to which the pressing process is applied, and the pressing device to be used in the pressing process; (col 7: lines 38-68)

Retrieves costs associated with the designated material and the designated pressing device from the cost information; and (col 7: lines 44-58)

Determines a result of estimation based on a sum of the retrieved costs. (col 8: lines 13-15)

Referring to claim 7:

The component cost estimation system according to claim 1, wherein:

Said memory stores the cost information associated with each region engaging in manufacturing the component; (col 6: lines 18-20, 64-66)

Said computer;

Receives data for designating a region engaging in manufacturing the component; and (col 6: lines 26-30)

Determines a result of estimation of the cost of the component based on costs retrieved from the cost information associated with the designated region. (col 6: lines 56-63)

Referring to claim 8:

The component cost estimation system according to claim 1, wherein said computer:

Is ready to received designation to a part of the plurality of manufacturing steps; and (col 6: lines 26-30, 56-59)

Determines a result of estimation of the cost of the component by considering predetermined standard manufacturing steps to be designated instead of the manufacturing steps other than the designated manufacturing step. (col 17: lines 29-35)

Referring to claim 9:

The component cost estimation system according to claim 1, further comprising a reception server which receives an access from outside via network, and sends the data representing the result of estimation of the cost of the component obtained by said computer to an accessor. (col 17: lines 29-35)

Referring to claims 10 and 24:

A component cost estimation system which receives accesses from a plurality of working bodies via a network, and estimates a cost of a component, said system comprising:

A memory which stores cost information for associating a material of a component to be manufactured, cost of the material, manufacturing steps to be applied

to the material, and costs involved in the manufacturing steps with one another; (col 6: lines 26-30, 65-66)

A reception server which receives designation data for designating the material of the component and the manufacturing steps to be applied to the material from the working bodies who request and estimation via said network; and (col 6: lines 15-18, 26-30)

An estimation computer, (col 6: lines 30-35)

Wherein said estimation computer:

Retrieves costs associated with the material and manufacturing steps designated by the designation data received by said reception server from the cost information; (col 6: lines 26-30)

Generates estimation result data representing a result of the estimation of a cost of the component based on the retrieved costs; and (col 6: lines 15-18, 30-35, 56-63)

Sends the estimation result data to the working bodies who have requested the estimation via said network. (Fig 1, col 17: lines 29-35)

Referring to claim 17:

A component cost estimation method for estimating a cost of a component, comprising the steps of:

Storing cost information for associating a material of a component, a cost of the material, manufacturing steps of the component, and costs involved in the manufacturing steps; (Tables 5-9)

Receiving data for designating a material of a component to be manufactured, and manufacturing steps to be applied to the designated material; (col 6: lines 26-30)

Retrieving a cost associated with the designated material, and costs associated with the designated manufacturing steps from the cost information; and (col 6: lines 26-30)

Generating data representing a result of estimation of a cost of the component based on the retrieved costs. (col 6: lines 30-35, 56-63)

Referring to claim 18:

A component cost estimation method for receiving access from a plurality of working bodies via network and estimating a cost of a component, said method comprising the steps of:

Storing cost information for associating a material of a component to be manufactured, a cost of the material, manufacturing steps to be applied to the material, and costs involved in the manufacturing steps with one another; (Tables 5-9)

Receiving designation data for designating the material of the component and the manufacturing steps to be applied to the material from the working bodies who request an estimation via said network; (col 6: lines 26-30)

Receiving costs associated with the material and manufacturing steps designated by the received designation data from the cost information; (col 6: lines 26-30)

Generating estimation result data representing a result of estimation of a cost of the component based on the retrieved costs; and (col 6: lines 30-35, 56-63)

Sending the estimation result data to the working bodies who have requested the estimation via said network. (FIG 1, col 6: lines 15-18)

Referring to claim 20:

A computer-readable recording medium which stores a program for controlling a computer, which is connected to a memory for storing cost information associating a material of a component, a cost of the material, manufacturing steps of the component, and costs involved in the manufacturing steps with one another, to perform the steps of:

Receiving data for designating a material of a component to be manufactured and manufacturing steps to be applied to the material; (col 6: lines 26-30)

Retrieving a cost associated with the designated material, and costs associated with the designated manufacturing steps from the cost information; and (col 6: lines 26-30)

Generating data representing a result of estimation of a cost of the component based on the retrieved costs. (col 6: lines 30-35, 56-63)

Referring to claim 21:

A computer-readable recording medium which stores a program for controlling a computer, which is connected to a reception server for receiving designation data for designating a material of a component to be manufactured and manufacturing steps to be applied to the material from a plurality of working bodies who request an estimation via a network, and is also connected to a memory for storing cost information for associating a material of a component, a cost of the material, manufacturing steps of

the component, and costs involved in the manufacturing steps with one another, to perform the steps of:

Retrieving costs associated with the material and manufacturing steps designated by the designation data received by said reception server from the cost information; (col 6: lines 26-30)

Generating estimation result data representing a result of estimation of a cost of the component based on the retrieved costs; and (col 6: lines 30-35, 56-63)

Sending the estimation result data to the working bodies who have requested the estimation via said network. (FIG 1, col 6: lines 15-18)

5. Claims 14, 16, 19, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat No. 4,992,940 to Dworkin.

Referring to claim 14:

A cost information providing system, comprising:

A memory which stores a standard value of a cost of a component, the standard value being obtained by collecting and analyzing information on the component provided by a plurality of working bodies; (col 1: lines 66-68; col 3: lines 65-68)

A request reception server which receives via network, a provision request for requesting the standard value to be provided; (col 2: lines 67-68, col 3: lines 1-2)

An information providing server which provides via said network, the standard value stored in said memory in response to the provision request received by said request reception server. (col 2: lines 26-31)

Referring to claim 16:

The cost standard information providing system according to claim 14, wherein the standard value is set for each material of the component, and for each manufacturing step. (col 2: lines 67-68, col 3: lines 1-2)

Referring to claims 19 and 25:

A cost standard information providing method comprising the steps of:

Storing a standard value of a cost of a component, the standard value being obtained by collecting and analyzing information on the component provided by a plurality of working bodies; (col 1: lines 66-68; col 3: lines 65-68)

Receiving via a network, a provision request for requesting the standard value to be provided; and(col 2: lines 67-68, col 3: lines 1-2)

Providing via said network, the stored standard value in response to the received provision request. (col 2: lines 26-31)

Referring to claim 22:

A computer-readable recording medium which stores and program for controlling a computer, which comprises a memory for storing a standard value of a cost of a component obtain by collecting the analyzing information on the component provided by a plurality of working bodies, to perform the steps of:

Receiving via a network, a provision request for requesting the standard value to be provided; and(col 2: lines 67-68, col 3: lines 1-2)

Providing via said network, the standard value stored in said memory in response to the received provision request. (col 2: lines 26-31)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foley.

As per claims 5 and 6

Foley does disclose estimating cost of manufacturing a component which involves the pressing process. (col 7: lines 38-68; col 18: lines 25-27)

Foley fail to expressly disclose the costs of the molds used in the pressing press and which are either newly manufactured, or manufactured by remodeling an existing mold.

Examiner submits however, that it would have been obvious to one having ordinary skill in the art at the time the invention was made to include molds that are either newly manufactured, or by remodeling an existing mold. The reason such modification can be made is because it does not effect the method of generating a cost estimation of manufacturing a component presented by Foley by analyzing the process from raw materials to the finished part, incrementally calculating all the costs associated with each step of the path as indicated by Foley (col 6: lines 56-59). Foley provides

specific motivation by indicating that the invention is equally applicable to any type of part or set of manufacturing processes. (col 6: lines 23-25)

As per claim 11:

Foley does not expressly disclose:

Said reception server receives a browsing request for browsing a content of the cost information; and

Said estimation computer sends the content of the cost information to a sender of the browsing request via said network in response to the browsing request received by said reception server.

Foley does disclose a program that is used to evaluate the fabrication cost related to the manufacture of a composite part or a set of parts over a given production schedule as specified by the user. (col 6: lines 15-18) Foley also disclose that the following separate components of the total part cost are calculated: equipment cost; labor cost; labor overhead cost; material cost; tooling cost; and cost of factory floor space. (col 6: lines 59-63) Therefore, it is an inherent feature that Foley's invention allows the user to browse the different aspects of the cost information and also sends the cost information to the requesting user.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foley in view of U.S. Pat No. 4,827,508 to Shear.

As per claim 12:

Foley does not disclose the following:

The component cost estimation system according to claim 10, further comprising a verification data memory which stores verification data for verifying the working bodies,

Wherein said reception server:

Receives verification data sent from the working bodies via said network; and

Determines whether or not to receive the designation data from the working bodies based on the verification data sent from the working bodies and the verification data stored in said verification data memory, and refuses to receive the designation data when determined not to receive the designation data.

Shear discloses that system 10 may require the user to input identification and/or password information along with his access request. System 10 checks the authority of the user to access the database by transmitting the inputted ID/password information to decoder/biller block for comparison with a list of authorized IDs/passwords stored in memory. If decoder/biller block decoder control logic denies authorization to continue with database access the decoder/biller refuses to decrypt any data sent to it. (col 15: lines 3-15) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Foley's invention to include the ability for secure access by users and refuse any data access when authentication is not received. One would be motivated to perform such modification to ensure that the database/memory system only receives data from authorized people, thus ensuring an accurate database.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foley in view of U.S. Pat No. 4,992,940 to Dworkin.

As per claim 13:

Foley does not disclose the following:

The component cost estimation system according to claim 10, wherein the cost information is made up of information obtained based on a cost of a component provided by a working body selected according to a predetermined standard from among a plurality of working bodies who provide substantially the same component.

Dworkin discloses in his invention that allows a user to easily shop for equipment, having specified characteristic, from a plurality of vendors, and wherein the user can easily determine which vendor offers the best price. (col 2 lines 67-68, col 3: lines 1-2) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Foley's invention to include the ability to select cost information according to a predetermined standard from information provided by the providers of the component. One would be motivated to perform such modification so the user can choose a component provider meeting certain standards.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin.

As per claim 15:

Dworkin does not expressly disclose the following:

The cost standard information providing system according to claim 15, wherein the standard value represents a cost level which can be achieved with a predetermined

effort to be made by a working body who satisfies a predetermined standard in each component field. (col 3: lines 65-68)

However, the examiner note here that the database in Dworkin's invention stores product information including the sale price of the product. If a manufacture is selling the product at the price then that means that the manufacture must be able to produce the product at or below that cost level. Otherwise the manufacture would be producing the product at a lost.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to understand that the standard value of a product represent a cost level which can be achieved with a predetermined effort to be made by manufactures.

Conclusion

11. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat No. 5,655,087 to Hino et al.

U.S. Pat No. 5,970,476 to Fahey.

U.S. Pat No. 6,047,274 to Johnson et al.

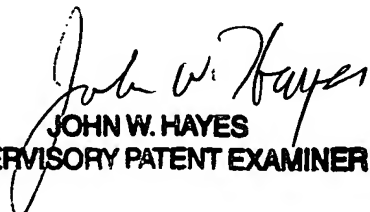
U.S. Pat No. 6,233,568 to Kara

U.S. Pat No. 6,775,647 to Evans et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER